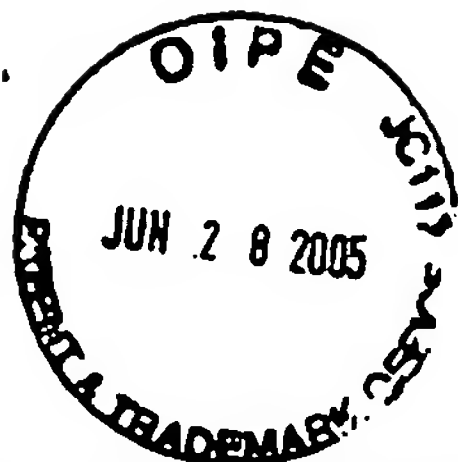


GNE.3030R1C11



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Goddard et al. (as amended)
Appl. No. : 10/036,214
Filed : December 26, 2001
For : NUCLEIC ACIDS ENCODING
POLYPEPTIDES THAT INDUCE CELL
PROLIFERATION OR INDUCE FETAL
HEMOGLOBIN (as amended)
Examiner : Kolker, Daniel E.
Group Art Unit : 1646

DECLARATION UNDER 37 C.F.R. §1.808

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby aver that the nucleic acid of SEQ ID NO: 60, which encodes the protein of SEQ ID NO: 61, was deposited with the American Type Culture Collection (ATCC) April 27, 1999 and was given ATCC deposit number 203971. Accordingly, the deposited material has been accepted for deposit under the Budapest Treaty on the International Recognition of the deposit of Microorganisms for the Purposes of Patent Procedure and all restrictions on the availability to the public of the material so deposited will be irrevocably removed upon granting of the patent. The deposit will be maintained for a term of at least 30 years and at least five (5) years after the most recent request for the furnishing of a sample of the deposit was received by the depository

The deposited material is identical to the biological material and was in the Applicant's possession at the time the application was filed.

GENENTECH, INC.

Date:

6/16/05

By:

[Signature]

Title:

PATENT AGENT

*DK
considered
8/3/05*